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 Attorney for Defendant JESUS DIAZ-MAGALLON

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

UNITED STATES OF AMERICA,  
 Plaintiff,

v.

JESUS DIAZ-MAGALLON a/k/a  
 "CHUY" and  
 LANCE TORREGROZA

Defendants.

Case No. 5:21-mj-70636-MAG

STIPULATION AND ORDER (AS MODIFIED)  
 CONTINUING PRELIMINARY  
 HEARING UNTIL JANUARY 28, 2022

Date:  
 Time:  
 Dept:

The parties, through their counsel of record, stipulate as follows:

A preliminary hearing is set in this case for December 7, 2021. However, the government has produced a significant amount of discovery in this case and Ms. Christina DiEdoardo, counsel for defendant JESUS DIAZ-MAGALLON, unexpectedly fell ill on Sunday, December 5, 2021.

Therefore, the parties wish to continue the preliminary hearing until January 28, 2022, at **2:00 p.m.** before the San Jose Duty Magistrate. Therefore, the parties hereby stipulate and agree:

1. The time between December 7, 2021, and January 28, 2022, should be excluded under the Speedy Trial Act because failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the

1 exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served by  
2 granting the requested continuance outweigh the best interests of the public and the defendant  
3 in a speedy trial and in the prompt disposition of criminal cases. See id. §3161(h)(7)(A).

- 4 2. Taking into account the public interest in the prompt disposition of criminal cases, there is  
5 good cause to extend the time limits under Federal Rule of Criminal Procedure 5.1(c).

6 Accordingly, the time limits for conducting a preliminary hearing are tolled from December 7,  
7 2021, until January 28, 2022.

8  
9 IT IS SO STIPULATED.

10 DATE: December 6, 2021

/s/Christina A. DiEdoardo  
Christina A. DiEdoardo  
Attorney for Defendant Diaz-Magallon

12 DATE: December 6, 2021

/s/Vicki H. Young  
Vicki H. Young  
Attorney for Defendant Lance Torregroza

14 DATE: December 6, 2021

/s/Ross Weingarten  
Ross Weingarten  
Assistant United States Attorney

**ORDER**

Based upon the representation of counsel and for good cause shown, the Court finds that failing to exclude the time between December 7, 2021, and January 28, 2022, would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

The Court further finds that the ends of justice served by excluding the time between December 7, 2021, and January 28, 2022, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). See Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Therefore, IT IS HEREBY ORDERED that the time between December 7, 2021, and January 28, 2022, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and Federal Rule of Criminal Procedure 5.1.

DATED: December 6, 2021

